

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-597-FDW-DCK**

FAIRPOINT COMMUNICATIONS, INC.)	
ET AL. LITIGATION TRUST,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
VERIZON COMMUNICATIONS, INC.,)	
ET AL.)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the parties' discovery disputes. At the parties' request, and pursuant to the "Case Management Order" (Document No. 52, pp.4-5), the undersigned held an informal telephonic conference on September 20, 2012. The Court appreciates the participation of the lawyers in this process.

Based on the conference, the undersigned has determined that discovery materials inadvertently produced by Plaintiff, and as more fully described in the call, shall be returned by Defendant.

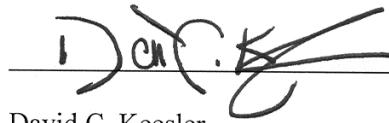
Although the undersigned indicated during the call some sympathy to Defendants' arguments regarding the production of documents from a related action in the United States District Court for the Western District of Washington, the Court will decline for now to rule on "Defendants' Motion For Protective Order" (Document No. 84) until it is fully briefed. Defendants shall file a reply brief in support of their motion, and updating the Court on the status of the action in Washington and on any progress by the parties toward compromise, on or before **September 28, 2012**.

Finally, as discussed during the conference, the parties shall attempt to resolve their dispute regarding the propriety of a March 31, 2008 cut-off date for certain production. The parties shall

inform the Court on **September 28, 2012** whether they have resolved this issue, or seek further assistance from the Court.

SO ORDERED.

Signed: September 21, 2012



David C. Keesler
United States Magistrate Judge 